

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 26, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Robert J Barbee

Case Number: 0980 4:20CR06045-MKD-1

Address of Offender: Unknown

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Mary K. Dimke, U.S. District Judge

Date of Original Sentence: September 23, 2021

Original Offense: Failure to Register, 18 U.S.C. § 2250(a)

Original Sentence: Prison - 30 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Ann Wick

Date Supervision Commenced: November 20, 2022

Defense Attorney: Federal Defender's Office

Date Supervision Expires: April 9, 2028

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 12/5/2023. A warrant was previously issued by the Court on December 5, 2023.

On April 13, June 16, and October 16, 2023, the conditions of supervised release were reviewed and signed, with Mr. Barbee acknowledging his understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition #1: You must not commit another federal, state or local crime.

Supporting Evidence: Mr. Barbee is alleged to have violated his supervised release conditions by being charged with sex offender/failure to register on or before December 8, 2023.

In summary of the Yakima County Sheriff's Office (YSO) narrative report for incident number 23C20073, the following occurred: On December 8, 2023, a YSO deputy attempted to contact Mr. Barbee at his reported and registered residence (2302 Summitview Avenue, Yakima, Washington) to verify his address as a Level II sex offender. It should be noted, the reported residence is a local clean and sober house. On this same date, the deputy contacted the house manager at the clean and sober house. The house manager expressed to the deputy that Mr. Barbee moved out approximately 1 week prior and the offender's room had been

Prob12C

Re: Barbee, Robert J

January 25, 2024

Page 2

reissued to another resident. The house manager expressed to the deputy that the offender's whereabouts was unknown.

It should be noted, Mr. Barbee has a lifetime requirement to register as a sex offender under Washington State law due to his third degree rape and his second degree assault conviction from October 24, 2013. Additionally, the offender is a Level II sex offender and is required by Washington State law to register any new address and verify his address twice a year with YSO. The YSO report advised that a review of the Department of Corrections and Department of Licensing data bases did not reveal a change of residence.

Based on the above information, YSO found probable cause to cite Mr. Barbee with Failure to Register, in violation of Revised Code of Washington (RCW) 9A.44.130(10)(a).

On January 24, 2024, Mr. Barbee was formally charged in Yakima County Superior Court with one count of Sex Offender/Felony Failure to Register and Sex Offender Change Address Fail to Notify, in violation of RCW 9A.44.130(10)(a) and 9A.44.130(5).

- 6 **Standard Condition #7:** You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

Supporting Evidence: Mr. Barbee is alleged to have violated his supervised release conditions by leaving the judicial district without permission on or before January 5, 2024.

On January 8, 2024, the Chico Police Department reported to this officer that Mr. Barbee was arrested on January 5, 2024, in Chico, California, due to the instant supervised release violation warrant issued on December 5, 2023. The offender did not have permission to leave the Eastern District of Washington.

- 7 **Special Condition #3:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Barbee is alleged to have violated his supervised release conditions by failing to successfully complete the recommended substance abuse treatment program at Comprehensive Healthcare (CHC) on or before January 3, 2024.

On October 13, 2023, CHC recommended Mr. Barbee enter and complete an intensive outpatient (IOP) treatment program.

On January 3, 2024, Mr. Barbee was unsuccessfully discharged from treatment due to failing to attend the recommended services.

Prob12C

Re: Barbee, Robert J

January 25, 2024

Page 3

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 25, 2024

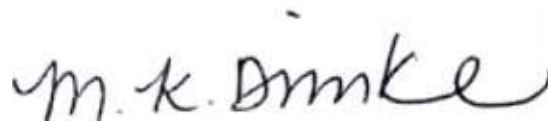

s/Araceli Mendoza

Araceli Mendoza

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

Signature of Judicial Officer

1/26/2024

Date